

TORONTO STAFF REPORT

October 28, 2005

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Subject: Request for Direction Report
Rezoning Application 04 200810 STE 20 OZ
Site Plan Application 04 199677 STE 20 SA
Applicant: Sharyn Vincent, Vincent Planning
Architect: Turner Fleischer Architects Incorporated
500 Lake Shore Boulevard West
Ward 20 - Trinity-Spadina

Purpose:

To report to Council on the status of Zoning Amendment and Site Plan applications made by Loblaw Properties Ltd. to permit a grocery store at 500 Lake Shore Boulevard West, and to obtain Council direction for the purpose of the Ontario Municipal Board hearing scheduled for November 18 and December 12, 2005 and January 10-13, 2006. This report replaces the Request for Direction report dated June 20, 2005.

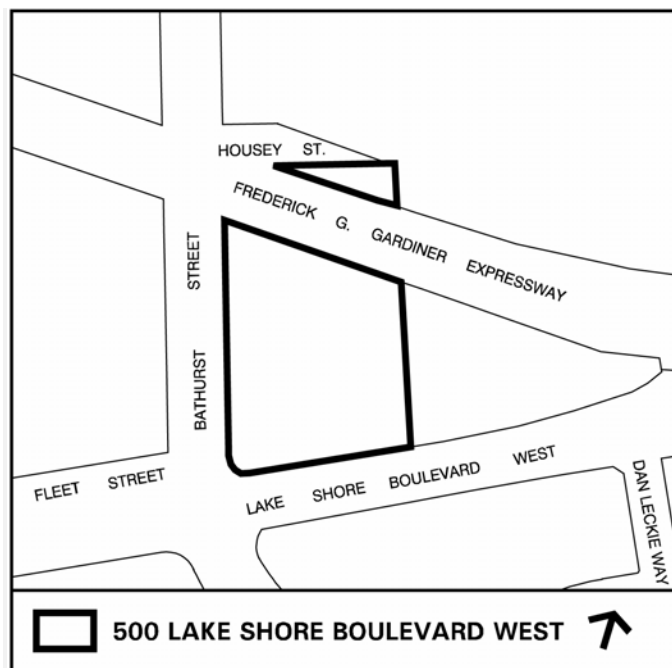
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) support the Zoning Amendment and Site Plan Applications submitted for 500 Lake Shore Boulevard West on the terms, and for the reasons outlined in this report;
- (2) authorize and direct the City Solicitor and necessary staff to attend at the Ontario Municipal Board to present Council's



position set out in recommendation No. 1;

- (3) authorize and direct the City Solicitor and necessary staff to attend at the Ontario Municipal Board to support Council's previous decision, (Clause 8 Report 2 on February 16, 2005), to refuse the applicants associated application for demolition of the existing heritage building pursuant to the Ontario Heritage Act;
- (4) authorize and direct the City Solicitor and necessary staff to attend at the Ontario Municipal Board to support revised conditions of consent related to Application No. B0062/04T as set out in Attachment 7 to this report and authorize execution of such agreements as are contemplated to implement said conditions;
- (5) consider this report concurrently with the Sign Variance report for 500 Lake Shore Boulevard West dated October 25, 2005 and the report from the Director, Policy and Research, City Planning to the Preservation Board dated October 6, 2005 also submitted to the Toronto and East York Community Council;
- (6) authorize staff to finalize the appropriate site plan approval pre-approval conditions resulting from staff's ongoing technical review of the revised plans and drawings submitted for Site Plan Approval and to report directly to Council with respect to the pre-approval conditions;
- (7) authorize and direct the City Solicitor to request that the Ontario Municipal Board hold issuance of any order on Site Plan Approval until all pre-approval conditions have been met to the satisfaction of the Chief Planner and Executive Director, Planning;
- (8) authorize and direct the City Solicitor to request that the Board withhold issuance of any order on the Zoning Amendment or the Consent applications until such time as a Heritage Easement Agreement has been entered into to the satisfaction of the Manager, Heritage Preservation Services and the application and appeal for demolition under the Ontario Heritage Act has been withdrawn;
- (9) authorize and direct the City Solicitor and City Officials to take necessary action to implement any decision of the Ontario Municipal Board; and
- (10) authorize staff to report directly to Council as may be necessary.

Proposal:

Loblaws Properties Limited is the owner of the 45,783 square metre site on the northeast corner of Bathurst Street and Lake Shore Boulevard West. The site is currently occupied by a four storey historically-designated building constructed in approximately 1927. The applicant proposes to maintain the west and south facades of the existing historic building and demolish the rest of the structure to build a new Loblaws Superstore. Five hundred and twenty seven parking spaces are proposed in two levels of parking, in the first and second levels of the

building, with additional parking provided at the north end of the site. Access is proposed from Housey Street and Lake Shore Boulevard West.

Site Description

The site is located on the northeast corner of Bathurst Street and Lake Shore Boulevard West and is currently surrounded by the following uses:

North: The Gardiner Expressway runs across the north portion of the site. North of the expressway are the Railway Lands West, which are currently vacant but have been approved for residential use.

South: Across Lake Shore Boulevard West to the south of the subject site is a 4-storey commercial building and diagonally across the intersection is a 10-storey residential building and a gas station.

East: A 24-storey residential building is currently before the Ontario Municipal Board and it is anticipated to be approved shortly.

West: A vacant lot, which is zoned for residential use. A 32-storey residential building has been approved and is under construction at the northwest corner of the Bathurst Street and Fleet Street intersection.

Official Plan

The site is part of the Fort York Neighbourhood Part II Plan and Fort York Neighbourhood Secondary Plan Area and is designated as "Mixed Use".

New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board.

Once the Plan comes into full force and effect, it will designate the site as "Mixed Use". The Plan contains development criteria that direct the form and quality of new development in these areas. The proposal has been reviewed for compliance with these criteria and conformity with the intent of the new Plan. An amendment to the new Official Plan will not be required.

Zoning

The property is zoned IC D3 N1.5 with a height limit of 24 metres.

Site Plan Approval

The proposed development is subject to Site Plan Approval. The applicant submitted a Site Plan Approval application at the same time as the Zoning By-law Amendment application. Conditions and requirements are being identified through the processing of the application although not all the technical conditions that will need to be addressed by the applicant have been finalized. Given the scheduling of the Ontario Municipal Board proceedings, staff are requesting authorization to report back directly to Council in December with a complete list of pre-approval conditions.

Reason for the Zoning Amendment application

The proposed non-residential gross floor area is 1.91 times the area of the lot. This includes the retail space and some of the parking, which is not located below-grade, and is therefore, calculated as part of the gross floor area. The permitted density on the subject site is 1.5 times the area of the lot. This Zoning Amendment application is required to ensure that a grocery store of this size can be accommodated on the site.

Background:

The site has been the subject of the following planning applications:

Application Date	Type of Application	Municipal Approvals	Date of Appeal to the Ontario Municipal Board
December 10, 2004	Zoning By-law Amendment (Loblaw)	Subject of this report	May 13, 2005
December 10, 2004	Site Plan Approval (Loblaw)	Subject of this report	May 13, 2005
December 20, 2004	Demolition (Loblaw)	Refused by City Council on February 16, 2005	May 3, 2005
February 16, 2005	Consent (Wittington)	Approved on Condition by the Committee of Adjustment – February 17, 2005	February 28, 2005

The Ontario Municipal Board has set one day hearing dates on November 18, 2005, December 12, 2005 and then four days from January 10-13, 2006 to hear all of the above appeals which have been consolidated into one hearing. Since receipt of the application, staff had expressed concern about a number of issues related to the proposed development. City staff met with the applicant in September and significant changes have been made to the proposal. Revised plans were received by the City on October 7, 2005. The changes to the proposal are outlined below.

Community Consultation

A community consultation meeting was held on April 27, 2005 at Harbourfront Community Centre. In attendance was the Ward Councillor, the applicant, planning staff, and approximately

30 members of the public. Comments at the meeting were both in support and in opposition to the proposal. There is a need for a grocery store in the community and the residents were supportive of a grocery store on the subject site. However, there were concerns that were raised at the community meeting which included:

- the removal of most of the existing heritage building on the site, the community wanted to see more of the building restored;
- the size of the proposed “Superstore” signage;
- the lack of a green roof and other green features;
- the lack of coordination between the historic facades and the new building;
- the amount of traffic that would be generated by the proposal; and
- the retention of the roof top third party advertising signs.

Following the community consultation meeting planning staff received a number of written submissions and phone calls which also raised some of the issues outlined above.

Agency Circulation

The application has been circulated to all appropriate agencies and city departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards. The detailed comments from all of the City divisions and agencies have not yet been received as the STAR deadline has not yet passed. However, staff is satisfied based on preliminary review that the comments will be technical in nature and will not impede this development from proceeding. We have included a recommendation that the applicant will have to address all the technical issues that arise from these comments that have not yet been received by the City Planning Division but that will be included as pre-approval conditions.

Comments:

The applicant has made significant changes to the proposal since the application was first received by the City. The changes have addressed the concerns that were expressed by City staff to the applicant.

Heritage

The Loblaw Groceteria Company Building is a historically designated building which plays a key role in the Fort York Neighbourhood. The building was designated by City Council under Part IV of the *Ontario Heritage Act* on February 1, 2001. Built in 1927 the building was designed by the Toronto architectural firm of Sparling, Martin and Forbes and its presence, along with the Tip Top Tailor building and the Rogers building across the street express the built form history of the area.

Staff concerns were outlined in a Memorandum from Heritage Preservation Services dated February 21, 2005 and a meeting with the applicant held on March 29, 2005. The proposal at that time included only partial retention of the west and south facades. The Fort York Neighbourhood Part II Plan contains a policy which states that any new development at 500

Lake Shore Boulevard West will have regard for the historical and architectural significance of these two facades. The implementation of this policy had to be clearly demonstrated through any redevelopment of this site.

Revised plans now show the entire west and south facades being retained and renovated without major alterations to the windows. The restoration of these facades is consistent with the Fort York Neighbourhood Part II Plan policy. The applicant is agreeable to entering into a Heritage Easement Agreement (HEA) which is critical to City staff. Staff contemplate that the HEA be entered into prior to issuance of any order by the Ontario Municipal Board in connection with the Consent or the Loblaw Zoning Amendment and that it be a pre-approval condition of any Site Plan Approval.

Roof Signage

There are two roof top signs on the building which the applicant has always proposed to maintain. Under the existing City of Toronto sign by-law the signs could remain if they were not taken down at any point and were kept in place throughout construction. If, at any point they had been removed from the roof, the applicant would have to apply for variance from the sign by-law to re-erect them, at which time Council would be able to vote on whether or not to permit the signs. The applicant had made it clear to City staff that due to the significant financial implication of losing any long term permission to retain the roof signs, they had all intentions of maintaining the signs throughout the construction at great monetary cost.

A sign variance application has been submitted by the applicant requesting permission to remove and then re-erect the roof signs. The staff report with respect to this application is also on the Toronto and East York Community Council's agenda at this time. The sign report recommends that the applicant be permitted to remove the roof top signs and put the exact same signs back onto the roof once the construction is complete. Staff believe that by giving the applicant the ability to remove the roof top signs during construction, thereby removing the additional cost of keeping the signs in place, a more efficient building will be created and the money saved can be used to restore the south and west heritage facades.

Integration of historical building with new construction

Although the applicant is now maintaining both the west and south facades, the rest of the heritage building, including the interior, will be removed to make room for a new structure to be built within these two facades. The integration of the new building with the old was imperative to staff. The revised plans show an appropriate relationship between the old masonry and brick building and the new structure. The vertical masonry elements and the horizontal windows in the old building are referenced in the new building which ties the two together.

Road Infrastructure

The subject site is located in a developing area which is just beginning to form a road network. Initially, the applicant was relying on roads that had not yet been constructed. To properly service the proposed Loblaws store the following roads are required to be built and paid for by

Loblaw: Housey Street from Bathurst to Dan Leckie Way and Dan Leckie Way from Housey to Lake Shore Boulevard West. A fully signalized intersection at Dan Leckie Way and Lake Shore Boulevard is also required to be provided by Loblaw Properties. The applicant has indicated the need and its agreement to building this infrastructure through their revised Traffic Impact Statement. Staff suggest that this will be secured through appropriate agreements required as part of the consent approval.

Traffic and Access

The first Traffic Impact Statement (TIS) submitted by the applicant underestimated the traffic impact associated with the proposed development. The data parameters that were used in the study are not normally accepted by the City and therefore required further analysis by the traffic consultant. Additionally, the applicant proposed ingress and egress at the Lake Shore Boulevard driveway which had great impact on the functionality of Lake Shore Boulevard. The revised TIS has addressed these concerns.

The proposed access points for this proposal are Lake Shore Boulevard West and Housey Street. The Lake Shore Boulevard access driveway will function as a right-in only from Lake Shore and the owner will construct a deceleration lane for this driveway. The Housey Street entrance allows vehicles to enter the site from the northeast and then enter the garage on either of the 2 levels. Service access will be limited to Housey Street. All vehicles exiting the site have to use Housey Street to Bathurst or Dan Leckie Way.

The most recent TIS looked at two circumstances under which traffic generated by this proposal will have to function. In the interim condition, prior to the build-out of the entire road network including Fort York Boulevard, Fort Street and Dan Leckie way from Housey to Fort York Boulevard, it appears that the site traffic impacts are acceptable. This condition is based on a limited road network, as described in the Road Infrastructure paragraph above.

The second circumstance is when the entire road network has been built out and the Environmental Assessment (EA) is complete on Bathurst Street. The TIS looked at the two possible outcomes of the EA that would have the most impact on this development. Both options considered the closing of Fleet Street. The first option looked at an exclusive right-of-way from Housey to Fleet Street, with southbound left turns permitted at Housey. This option generates acceptable traffic impacts. The second looked a an exclusive right-of-way along Bathurst from Fort York Boulevard to Fleet Street, with no left turns permitted at the intersection of Housey and Bathurst Street (due to the right-of-way). This option has impact on the southbound left turn movements at Bathurst and Lake Shore, and on the southbound left turn movements at Bathurst and Fort York.

However, the impact on these movements is not the result of this development, but is the result of the closure of Fleet Street.

Landscaping and Streetscaping

The applicant has submitted a Landscape Plan to City staff which shows the proposed landscaping both on the Loblaw property and on the adjacent city boulevards. The landscaping will be secured through a Letter of Credit as one of the pre-approval site plan conditions.

Heritage Impact Statement

Heritage staff have not yet received a Heritage Impact Statement which is required for approval. A Heritage Impact Statement, approved to the satisfaction of the Manager, Heritage Preservation Services, and will be required as a pre-approval condition of Site Plan Approval together with other conditions of Heritage Preservation Services.

Green Roof

Although Loblaw Properties is not proposing a green roof as part of the redevelopment of this site their stores do employ other green programs. Loblaw has agreed to submit a full list of green infrastructure to the City for review.

Archaeology

The applicant is still required to submit a Stage 1 Archaeological Assessment for the entire property before Site Plan approval is finalized. If any significant archaeological resources are found a Stage 2 Assessment will also be required.

The Consent Application and Heritage Easement Agreement (Wittington Blocks 8, 9 and 10 Approval)

Wittington Properties Limited (WPL), the registered owner of Blocks 8, 9 and 10 applied to the Committee of Adjustment to sever Block 8 to sell it to Loblaw Properties. The consent was approved by the Committee subject to, among others, the following conditions:

- registering an HEA on the Loblaw Groceries building; and
- securing required road infrastructure.

Staff believe that the conditions of approval for the consent should be revised as shown in Attachment 7 and contemplate that an HEA be required prior to any order being issued by the Board related to the consent or the Loblaw Zoning Amendment or Site Plan Approval. We request authorization from Council to appear in support of these revised conditions.

Conclusions:

This application has been revised to address the concerns expressed by staff. The full retention and restoration of the west and south facades of the historically designated structure addresses the Fort York Neighbourhood Part II Plan policy, the traffic and access concerns have been mitigated, the applicant is agreeable to entering into a Heritage Easement Agreement as well as

agreements respecting necessary infrastructure improvements. The new building will be complementary to the historic facades and the revised proposal will provide a needed grocery store for the neighbourhood while preserving an integral piece of the neighbourhood's history.

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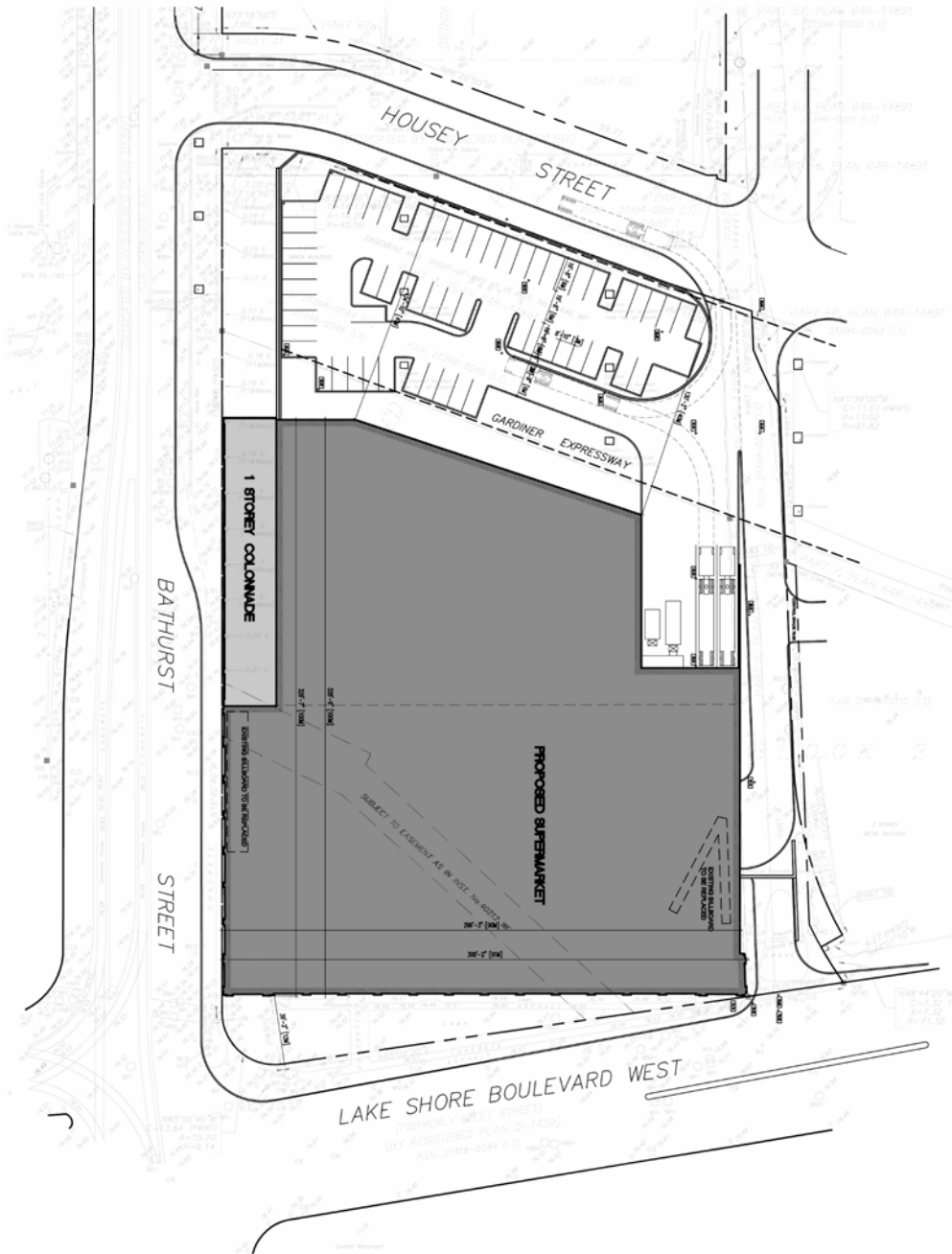
Director, Community Planning, Toronto and East York District

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List of Attachments:

- Attachment 1: Zoning Map
- Attachment 2: Site Plan
- Attachment 3: Elevation 1
- Attachment 4: Elevation 2
- Attachment 5: Building Sections
- Attachment 6: Application Data Sheet
- Attachment 7: Conditions on the Consent Application

Attachment 1: Site Plan



Site Plan

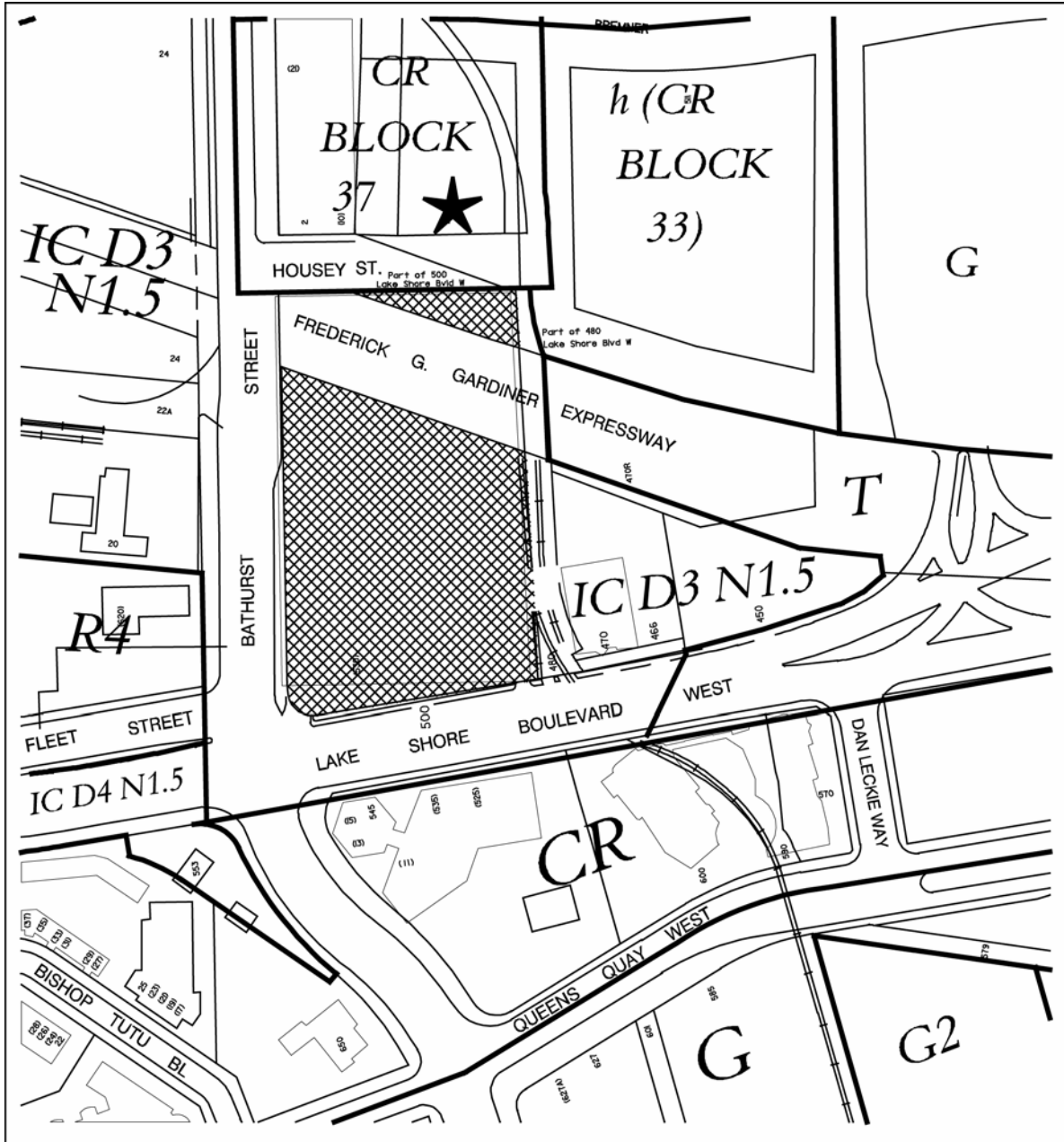
Applicant's Submitted Drawing

Not to Scale 

500 Lake Shore Boulevard West

File # 04_200810

Attachment 2: Zoning (Map)



 **TORONTO** Urban Development Services
Zoning

500 Lake Shore Boulevard West

File # 04_200810

- | | | | |
|----|----------------------|-----|------------------|
| G | Parks District | (h) | Holding District |
| R4 | Residential District | | |
| CR | Mixed-Use District | | |
| IC | Industrial District | | |
| T | Industrial District | | |

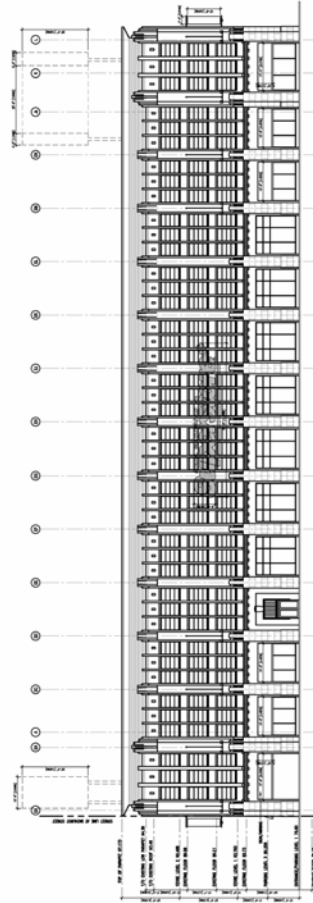


Not to Scale
Zoning By-law 438-86 as amended
Extracted 02/21/05 - EM

Attachment 3: Elevation 1



BATHURST STREET - WEST ELEVATION



LAKE SHORE BLVD - SOUTH ELEVATION

Elevations

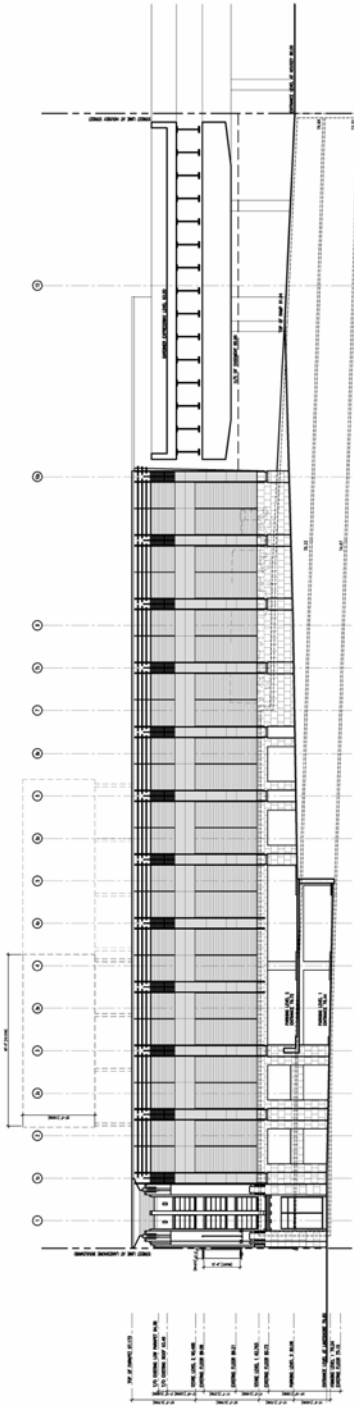
Applicant's Submitted Drawing

Not to Scale
10/13/05

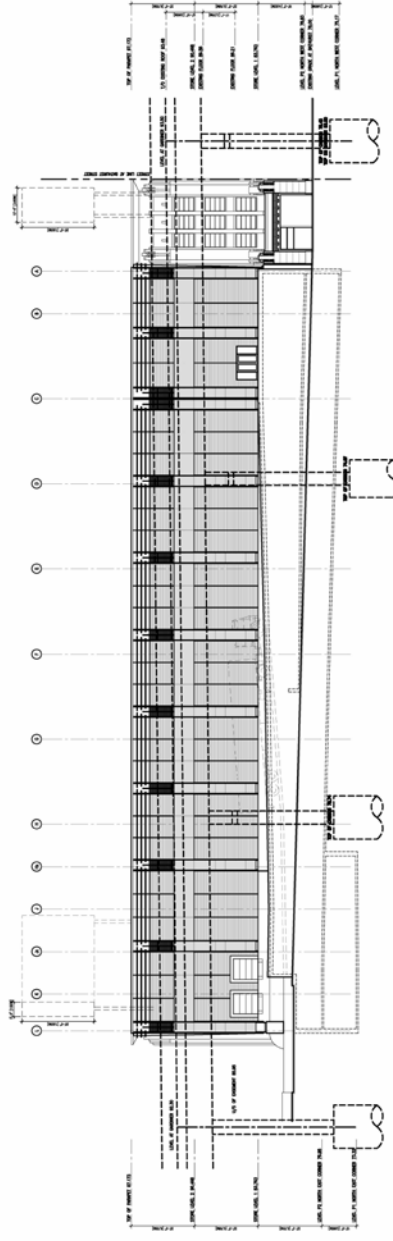
500 Lake Shore Boulevard West

File # 04_200810

Attachment 4: Elevation 2



EAST ELEVATION



HOUSEY STREET - NORTH ELEVATION

Elevations

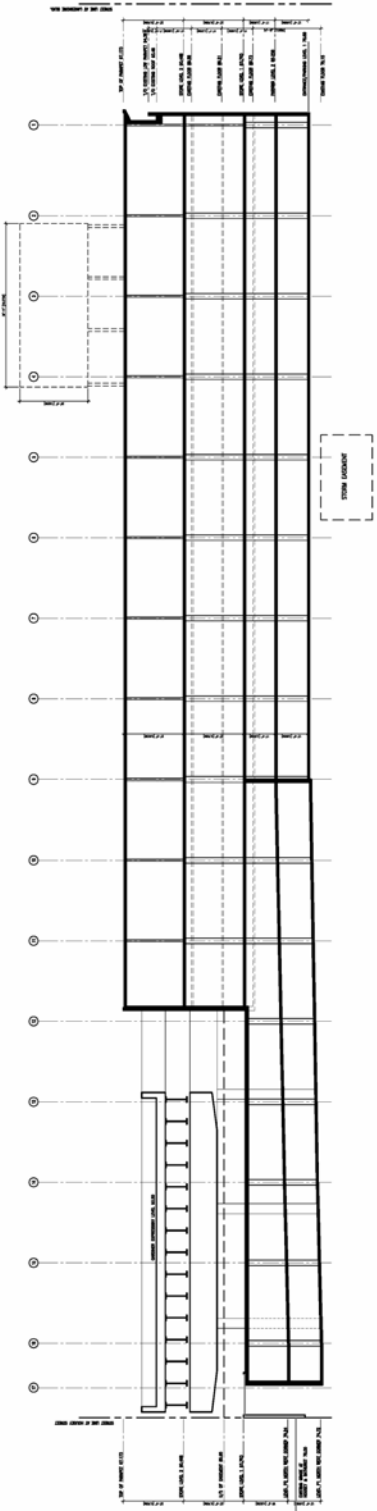
Applicant's Submitted Drawing

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10/13/05

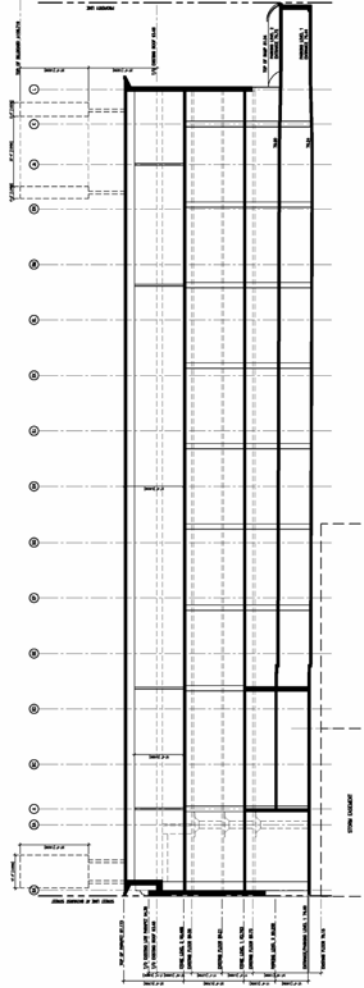
500 Lake Shore Boulevard West

File # 04_200810

Attachment 5: Building Sections



NORTH / SOUTH BUILDING SECTION



EAST / WEST BUILDING SECTION

Building Sections

Applicant's Submitted Drawing

Not to Scale
10/13/05

500 Lake Shore Boulevard West

File # 04_200810

Attachment 7

Revised Conditions of Consent (B0062/04T)

In addition to the following conditions, the Ontario Municipal Board to be requested to withhold issuance of its order respecting the consent pending execution and registration of a Heritage Easement Agreement by the owner pursuant to the Ontario Heritage Act satisfactory to the City Solicitor and the Manager Heritage Preservation Services in connection with the existing heritage building at 500 Lakeshore Boulevard West. If such a request is not granted, this requirement is to be included as a condition of the consent.

Proposed conditions:

- (1) The owner enter into the necessary agreements with the City pursuant to Section 51(26) of the Planning Act to the satisfaction of the City Solicitor and the Executive Director, Technical Services which shall be registered on title and shall require and secure the following at the owner's sole cost and expense;
 - (a) construction of Dan Leckie Way between Housey Street and Lake Shore Boulevard West;
 - (b) installation of traffic control signals at, and improvements to, the Dan Leckie Way, Lake Shore Boulevard West intersection;
 - (c) construction of Housey Street between Bathurst Street and Dan Leckie Way;
 - (d) the incremental cost of any TTC track relocation undertaken by the TTC on Bathurst Street to accommodate the proposed southbound left turn lane to Housey Street; and
 - (e) construction of the access from Lake Shore Boulevard West to the proposed grocery store to the satisfaction of the General Manager Transportation with "right-in-only" restrictions and a tapered deceleration lane generally as shown on Figure 1, "Lakeshore Access Proposed Design" prepared by LEA Consulting under date of July 20, 2005, subject to the following:
 - (i) modification to the design of the mouth of the access such as to physically restrict right turns out of the driveway onto Lake Shore Boulevard West; and
 - (ii) modification to the design of the vehicular entrance to the proposed P1 level of the parking garage from the access such that it functions as an "in only" access with a free flowing entrance that does not impeded access to the garage,both such modifications to be to the satisfaction of the General Manager Transportation.

- (2) The certificates of consent related to the concurrent easements in favour of Blocks 8 and 9/10 be issued simultaneously;
- (3) Confirmation of payment of outstanding taxes be made to the satisfaction of Revenue Services Division, Finance Department;
- (4) A draft Certificate of Official, as prescribed in O. Reg. 197/96 as Form 2 or 4 of and in a form satisfactory to the Secretary Treasurer, that includes a complete and registerable description of the land that is the subject of the consent, shall be submitted to the Secretary Treasurer within one year of the date of the giving of notice of this decision; and
- (5) Two copies of a Registered Reference Plan of Survey approved by the City are to be filed with the Committee of Adjustment including a listing of the PARTS and their respective areas.